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THE UNITED STATES ATTORNEY'S OFFICE  
SOUTHERN DISTRICT *of* NEW YORK

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**Department of Justice**

U.S. Attorney's Office

Southern District of New York

FOR IMMEDIATE RELEASE

Thursday, July 10, 2014

**Manhattan U.S. Attorney Announces Return To Mongolia  
Of Fossils Of Over 18 Dinosaur Skeletons**

**Two Additional Tyrannosaurus Skeletons, Oviraptors, Egg Nest Highlight  
Historic Repatriation**

Preet Bharara, the United States Attorney for the Southern District of New York, and James T. Hayes, Jr., Special Agent-in-Charge of the New York Office of U.S. Immigration

and Customs Enforcement's ("ICE") Homeland Security Investigations ("HSI"), announced today the return to the Mongolian government of the fossilized remains of over 18 dinosaur skeletons, including two Tyrannosaurus bataar skeletons that were unlawfully taken from Mongolia. The Office already returned one Tyrannosaurus bataar, fully prepared for display, to Mongolia in a ceremony held in May 2013.

The repatriation represents the culmination of a two-year effort to return numerous dinosaur fossils that were unlawfully taken from Mongolia, some of which were illegally smuggled into the United States using false customs importation documents, and some of which were voluntarily forfeited to the United States for return to Mongolia despite never having been brought into the country. That two-year effort included two successful civil forfeiture law suits, a successful criminal investigation and prosecution, and separate civil actions undertaken to secure the transfer of the groups of fossils.

The Mongolian dinosaur fossils being returned today include:

- Two additional Tyrannosaurus bataar skeletons;
- A skeleton of a Saurolophus angustirostris, a duckbilled, plant-eating dinosaur, and a partial skeleton of an additional Saurolophus;

- Two freestanding Oviraptors, dinosaurs known (perhaps apocryphally) for eating the eggs of other dinosaurs;
- A rock matrix containing at least four Oviraptors;
- A rock slab containing two Gallimimus skeletons, which were large, ostrich-like dinosaurs;
- Two additional Gallimimus skeletons;
- The partial skeleton of an Ankylosaurus, a dinosaur known for having a heavily armored body and a bony club-like tail;
- The skeleton of a Protoceratops, a dinosaur about the size of a large dog with a distinctive neck frill;
- One restored composite “egg nest” display piece made of composite dinosaur egg fossils;
- Several small, unidentified prehistoric lizards and turtles; and
- Numerous partial skeletons.

Manhattan U.S. Attorney Preet Bharara said: “Today, we return a veritable nest of dinosaurs that includes two additional Tyrannosaurus bataar skeletons, along with numerous other examples of fossils of dinosaurs native to the Gobi Desert. This is a historic event for the U.S. Attorney’s Office, in addition to being a pre-historic event, and we are proud to participate in the return of these dinosaur skeletons to their rightful home.”

HSI Special Agent-in-Charge James T. Hayes, Jr., said: “The fossils returned today do not belong in the hands of any private collection or one owner. They belong to the people of Mongolia where they will be displayed in their national museum alongside the Bataar ICE repatriated last year. HSI will not allow the illicit greed of some to trump the cultural history of an entire nation.”

According to the Criminal Complaint and Information, related Civil Complaints and related filings, and statements made in Court:

#### Civil and Criminal Actions

In March 2012, the Government initiated a civil forfeiture action in order to recover a nearly complete Tyrannosaurus bataar skeleton (the “First Bataar”), which was sold at auction for over \$1 million. Tyrannosaurus bataar was a carnivorous dinosaur that lived during the late Cretaceous period, approximately 70 million years ago. The Tyrannosaurus bataar, which has only been found in what is now Mongolia, was first discovered in 1946 during a joint Soviet-Mongolian expedition to the Gobi Desert in the Mongolian Ömnögovı Province. Mongolian law enacted in 1924 declares dinosaur fossils to be the property of the Government of Mongolia, and criminalizes their export from the country.

The First Bataar had been taken from Mongolia and sent to Great Britain without permission from the Mongolian government. It was then imported into the United States from Great Britain in a fashion contrary to federal law, using customs importation documents that contained numerous false statements.

By 2012, Texas-based Heritage Auctions, Inc., offered the First Bataar at an auction conducted in New York City. Prior to the sale, the Government of Mongolia sought, and was granted, a Temporary Restraining Order prohibiting the auctioning, sale, release, or transfer of the Tyrannosaurus Bataar Skeleton by a Texas State District Judge. Notwithstanding the state court order, Heritage Auctions completed the auction and the Tyrannosaurus Bataar Skeleton sold for

over \$1 million. However, the sale was contingent upon the outcome of any court proceedings instituted on behalf of the Mongolian Government.

On May 22, 2012, the President of Mongolia, Tsakhia Elbegdorj, sent a letter to the United States Attorney's Office for the Southern District of New York formally requesting the Office's "assistance in preserving Mongolia's cultural heritage in this rare national treasure by . . . seeking forfeiture of . . . the Tyrannosaurus bataar skeleton."

On June 5, 2012, at the request of the President of Mongolia, several paleontologists specializing in Tyrannosaurus bataars examined the First Bataar and concluded that it is in fact a Tyrannosaurus bataar skeleton that was unearthed from the western Gobi Desert in Mongolia between 1995 and 2005. Shortly thereafter, on June 18, 2012, the United States Attorney's Office filed a civil action seeking the forfeiture of the Bataar skeleton and the District Court issued a warrant authorizing ICE's Homeland Security Investigations (HSI) to seize the Bataar skeleton.

On September 24, 2012, the United States Attorney's Office filed an amended civil forfeiture Complaint which included the original paleontological reports as well as additional reports from those same paleontologists and other paleontologists. The additional reports definitively stated that given the particularized coloring of the bones of the First Bataar skeleton, the First Bataar skeleton undoubtedly came from Mongolia's Gobi Desert.

On October 17, 2012, Eric Prokopi, a self-described "commercial paleontologist" who had imported the First Bataar, was arrested on one count of conspiracy to smuggle illegal goods, possess stolen property, and make false statements, one count of smuggling goods into the United States, and one count of interstate sale and receipt of stolen goods. Prokopi owned and ran a business out of his Florida home in which he bought and sold whole and partial fossilized dinosaur skeletons. The charges stemmed from Prokopi's illegal importation of the Bataar and other dinosaur fossils into the United States, including the remains of a small, flying dinosaur from what is now China that had previously been administratively forfeited.

Not long after his arrest, on December 27, 2012, Prokopi pled guilty to engaging in a scheme to illegally import the fossilized remains of numerous dinosaurs that had been taken out of their native countries illegally and smuggled into the United States. As part of his plea agreement, Prokopi consented to the forfeiture of the First Bataar. Prokopi also agreed to forfeit other Mongolian dinosaur fossils that the investigation had uncovered, including a second nearly complete Tyrannosaurus bataar skeleton (the "Second Bataar"), a Saurolophus Angustirostris skeleton (the "Saurolophus," a duckbilled dinosaur that lived during the Cretaceous period), and an Oviraptor skeleton, all of which had been in his possession but have since been recovered by the U.S. Attorney's Office. He further agreed to forfeit his interest in a third Tyrannosaurus bataar skeleton (the "Third Bataar"), which was located in Great Britain.

On February 2, 2013, the Government filed a second civil action against several of the dinosaur fossils that had been in Prokopi's possession. These included the Saurolophus, possession of which had been transferred to a California auction house, and a matrix containing at least five Oviraptor skeletons (the "Raptor Matrix"), which the California auction house had, at one point, put up for sale.

Recovery and Repatriation of Dinosaur Skeletons

On May 6, 2013, and May 9, 2013, the civil actions concluded when U.S. District Judge P. Kevin Castel signed judgments forfeiting the First Bataar, the Second Bataar, the Saurolophus, two Raptors, and the Raptor Matrix for the purpose of their return to the Government of Mongolia. The California auction house agreed to assist in facilitating the return of the Saurolophus and the Raptor Matrix to Mongolia, consenting to the forfeiture of both items and agreeing to furnish the United States Attorney's Office with a metal stand used to display the Saurolophus.

Separately, on May 1, 2013, U.S. District Judge Harold Baer signed a stipulation arranging for the return of, among other fossils, the Third Bataar; a rock slab containing two Gallimimus skeletons (the "Gallimimus slab"), two additional Gallimimus skeletons, an Ankylosaurus skeleton and Ankylosaurus skull, a Protoceratops skeleton, and one restored composite egg nest display piece made of composite dinosaur egg fossils (together, the "Moore dinosaurs") provided to the United States Attorney's Office by Christopher Moore, a British citizen and onetime business partner of Eric Prokopi. During the U.S. Attorney's Office's investigation, Moore informed the Government of his possession of the Moore dinosaurs. Upon being advised that the Moore dinosaurs had been stolen from Mongolia, Moore agreed to send them to the United States Attorney's Office for their return to Mongolia.

On July 3, 2014, Prokopi was sentenced to a term of three months in prison by U.S. District Judge Alvin K. Hellerstein.

The First Bataar was formally returned to the Government of Mongolia in a Repatriation Ceremony held in New York on May 6, 2013. The remaining dinosaur fossils will be returned to the Government of Mongolia today.

Mr. Bharara praised the investigative work of HSI. Mr. Bharara also thanked Mongolian authorities for their assistance in the case.

The forfeiture actions were handled by the Money Laundering and Asset Forfeiture Unit of the U.S. Attorney's Office. Assistant U.S. Attorneys Sharon Cohen Levin and Martin S. Bell were in charge of the litigation. The criminal case was handled by the Complex Frauds Unit. Martin S. Bell was in charge of the prosecution.

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